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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,744	04/02/2004	Errol Clyde Klotz	B589 0001	1548
720	7590	05/08/2006	EXAMINER	
OYEN, WIGGS, GREEN & MUTALA LLP 480 - THE STATION 601 WEST CORDOVA STREET VANCOUVER, BC V6B 1G1 CANADA			COLETTA, LORI L	
			ART UNIT	PAPER NUMBER
			3612	
DATE MAILED: 05/08/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/815,744

Applicant(s)

KLOTZ ET AL.

Examiner

Lori L. Coletta

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-8 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-8 and 13-18 is/are rejected.
- 7) ☒ Claim(s) 11,12,19 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>01182006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by.

Altmann 4,877,281.

Regarding claim 1, Altmann '281 discloses a removable container (20) for positioning in the interior of a vehicle which comprises a web-like member which comprises a top panel (30), a pair of side panels (24 and 28), a bottom panel (22), a front panel (26) and a rear panel (32), and forms an enclosure; at least two suction cups (column 4, lines 27-31) which can be removably secured to appropriate locations in the interior of the vehicle (28) without damaging the interior and secure the web-like member in an erect position to the interior of the vehicle; and rear panel which extends from the bottom panel of the container and can be moved to close the interior of the container, the rear panel being removably secured in an upright position to the side panels of the container by one or more removable cords (column 6, lines 32-34) in Figure 3.

Regarding claim 3, Altmann '281 discloses a removable container (20), wherein the web-like member is formed of flexible fabric in Figures 1 and 2.

Regarding claim 5, Altmann '281 discloses a removable container (20), wherein the web-like member is secured to the suction cups by cords in Figure 3.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Altmann 4,877,281 in view of Gredy US 2001/0036782.

Regarding claims 6-8, Altmann '218 discloses a removable container (20), wherein the web-like member is secured to the suction cups by cords.

However, Altmann '218 does not show wherein the cords are elastic (claim 6); wherein the elastic cords are secured to the web-like member by detachable fastening means (claim 7) and wherein the elastic cords are secured to grommets in the web-like member (claim 8).

Gredy '782 teaches a raft secured to a suction cup (106) by an elastic cord (104) (claim 6); the elastic cord is secured to the raft by a detachable fastening means (claim 7); and wherein the elastic cord (104) are secured to grommets (13) in the raft (claim 8) in Figures 1a and 3.

Regarding claims 6-8, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the removable container of Altmann '218 with elastic cord and detachable fastening means, as taught by Gredy '782, in order to return to its original length in the absence of an opposing force and to allow for easy removal of the suction cups from the container.

5. Claims 13-15, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Altmann 4,877,281 in view of Tretheway 5,588,476.

Regarding claim 13, Altmann '281 discloses a removable container (20) for positioning in the interior of a vehicle which comprises a web-like member which forms an enclosure and comprises a top panel (30), a pair of side panels (24 and 28), a bottom panel (22), a front panel (26); at least two suction cups (column 4, lines 27-31) which can be removably secured to appropriate locations in the interior of the vehicle without damaging the interior and secure the web-like member in an erect position to the interior of the vehicle; and rear panel which extends from the bottom panel of the container and can be moved to close the interior of the container, the rear panel (32) which can be moved to close an opening in the web-like member in Figure 3.

However, Altmann '281 does not show to secure the web-like member in an erect position to the interiors of at least two windows of the vehicle.

Tretheway '476 teaches a removable window shade (10) secured to a vehicle window (60) by suction cups (12, 14 and 30) in Figures 1 and 3.

Regarding claim 13, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the removable container of Altmann '281 to secure the web-like member in an erect position to the interiors of at least two windows of the vehicle, as taught by Tretheway '476, in order to readily detachably attachable removable container.

Regarding claim 14, Altmann '281, as modified, discloses a removable container wherein the web-like member is formed of flexible fabric.

Regarding claim 15, Altmann '281, as modified, discloses a removable container wherein the web-like member is secured to the suction cups by cords.

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Regarding claim 17, Altmann '281, as modified, discloses a removable container wherein the rear panel extends from the bottom panel of the container and can be moved to close the interior of the container.

Regarding claim 18, Altmann '281, as modified, discloses a removable container wherein the rear panel is removably secured in an upright position to the side panels of the container by one or more cords.

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over 103 Altmann 4,877,281 and Trethewey 5,588,476.

Regarding claim 16, Altmann '218, as modified, discloses a removable container (20) but does not show wherein the elastic cords are secured to grommets in the web-like member

Gredy '782 teaches elastic cord (104) is secured to grommets (13) in the raft in Figures 1a and 3.

Regarding claim 16, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the removable container of Altmann '218 with elastic cords are secured to grommets, as taught by Gredy '782, in order to provide additional reinforcement to inhibit tearing of the web-like member.

Allowable Subject Matter

7. Claims 11, 12, 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments filed February 28, 2006 have been fully considered but they are not persuasive.

Altmann '281 discloses "length of cords, webbing, pullouts, twill tape, hook and loop fasteners, or *other kinds of fasteners* may be attached to corners 40, 42, 44 and 46" (column 4, lines 27-31). Altmann '218 discloses "other kinds of fasteners," which would include suction cups. Altmann '281 discloses "the interior framework 38 of the vehicle, which defines the enclosed or partially enclosed cargo area, forms the exterior "skeleton" or support frame to which liner 20 is attached" (column 3, lines 8-11). "Other kinds of fasteners", such as suction cups, can be used on the interior framework (38) of the vehicle.

Claim 1 does not claim the limitation of "attaching the liner to the interiors of the windows of the vehicle".

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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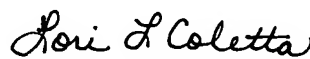
however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Coletta whose telephone number is 571-272-6658.

The examiner can normally be reached on Monday-Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lori L. Coletta
Primary Examiner
Art Unit 3612

llc
May 3, 2006